

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 199 - SB 438

March 7, 2013

SUMMARY OF BILL: Increases the number of Board of Parole members necessary to constitute a quorum from a majority (four board members) to five board members.

Increases the number of concurring board members necessary to grant parole from three members to four members. Requires four concurring board members for all grants of parole instead of just for certain enumerated offenses.

Increases the number of concurring board members necessary to deny parole from three members to four members.

Increases the number of concurring board member necessary for appellate review decisions by the Board from three members to four members.

Requires the Board to maintain in its files probation or parole officer's statements accompany violation reports and statements made by public officials including district attorneys general in support of or in opposition to the grant or denial of parole. Such statements shall not be confidential.

ESTIMATED FISCAL IMPACT:

**Increase State Expenditures – \$3,500/Recurring
\$668,800/Incarceration***

Assumptions:

- According to the Board of Parole's (BOP) 2011-2012 Annual Report, there has been an average of 17,121 parole hearings conducted over the past five years.
- Board members do not preside over every parole hearing. The files for inmates are processed and mailed to the board members for review. Requiring a four-vote concurrence for every parole grant or denial will result in files being processed and shipped to additional board members.
- According to the BOP, requiring a four-vote concurrence for every parole grant or denial will result in additional postage and shipping expenditures totaling \$3,481 per year.
- Currently, the BOP has three-vote cases, which constitute a majority of cases, and four-vote cases, for specific offenses, such as first degree murder, second degree murder, aggravated rape, etc. The average number of days to finalize a three-vote case is 11.82

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days, and the average number of days to finalize a four-vote case is 14.89 days. Requiring a four-vote concurrence for all parole grants and denials will result in delayed grants by an average 3.07 days (14.89 days – 11.82 days) per grant.

- According to the Department of Correction (DOC), the average number of paroles granted per year over the last three years is 3,395. The bill would result in 3,395 inmates per year spending an additional 3.07 days in state custody for a total of 10,422.65 days per year (3,395 paroles granted x 3.07 days).
- According to the DOC, the average operating cost per offender per day for calendar year 2013 is \$64.17.
- The bill would result in additional incarceration costs of \$668,821 (10,422.65 days x \$64.17).

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read 'Lucian D. Geise', is positioned above the printed name.

Lucian D. Geise, Executive Director

/trm